



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,985	02/28/2002	Michael W. Stark	S42-4	4504

25179 7590 07/22/2003

A PATENT LAWYER CORP, PC  
R WILLIAM GRAHAM  
22 S ST CLAIR ST  
DAYTON, OH 45402

EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/085,985

Applicant(s)

STARK ET AL.

Examiner

Aaron M Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6,9,11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,9,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The corrected or substitute drawings were received on 6/9/03. These drawings are not approved.

In order to avoid abandonment, the drawing informalities noted in Paper No. 4, mailed on 4/23/03, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 9, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5186502, Martin.

In regards to claim 1, Martin discloses a double containment pipe system, which includes a carrier pipe section (36) having a plurality of radially spaced centralizer fins (38) connected to and longitudinally extending along an outer surface thereof in a manner which prevents movement thereof with respect to the carrier pipe only, and a containment pipe section (34) having an inner surface of a diameter to contain the carrier pipe and readily permit movement therein, wherein an annulus (60) is formed between the carrier pipe section and containment pipe section such that the carrier pipe and the fins slide as a unit within the containment pipe; and wherein the system is

Art Unit: 3679

characterized to include a plurality of the carrier pipe sections as defined which are fixedly interconnected to one another and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another by a clamp (68).

In regards to claim 3, Martin discloses the radially spaced centralizer fins being generally radially equidistantly spaced from one another.

In regards to claim 9, Martin discloses a double containment pipe system, which includes a carrier pipe section; and a containment pipe section having a plurality of radially spaced centralizer fins fixably connected to and longitudinally extending along an inner surface thereof in a manner which prevents movement thereof with respect to the containment pipe only such that the carrier pipe slides on the fins within the containment pipe and providing an inner diameter to contain the carrier pipe and readily permit movement therein, wherein an annulus is formed between the carrier pipe section and containment pipe section; and wherein the system is characterized to include a plurality of the carrier pipe sections as defined which are fixably interconnected to one another and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another by a clamp.

In regards to claim 11, Martin discloses the radially spaced members being generally radially equidistantly spaced from one another.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of US patent 5433484, Ewen et al.

In regards to claims 5 and 13, Martin discloses the claimed invention except for the clamp being characterized to include a quick connect coupling having a clamp. Ewen et al teaches a clamp characterized to include a quick connect coupling having a clamp (160) to maintain the intimacy of the fit between pipes (column 7, lines 42-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a clamp characterized to include a quick connect coupling having a clamp to maintain the intimacy of the fit between pipes, as taught by Ewen et al.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of US patent 6039066, Selby.

In regards to claims 6 and 14, Martin discloses the claimed invention except for a leak detection device operably disposed within an annulus between the carrier pipe section and the containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members. Selby teaches a leak detection device (34) operably disposed within an annulus between the carrier pipe section and the

containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members (41) "such the color of any water passing there through can be visually observed" (col. 1, lines 46-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a leak detection device operably disposed within an annulus between the carrier pipe section and the containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members such the color of any water passing there through can be visually observed, as taught by Selby.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3, 5, 6, 9, 11, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the current state of the art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 3679

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd  
July 16, 2003

  
**Lynne H. Browne**  
**Supervisory Patent Examiner**  
**Technology Center 3670**